IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7891 of 2007()

(CRIME NO.496/2007 OF PARAVOOR POLICE STATION)

PETITIONERS/ACCUSED 4,5 & 6:

1. **SHIBU, S/O.MANIYAN PILLAI,**
   KUNNUVILA VEETTIL, PERUMBUZHA CHERRY,
   PARAVOOR VILLAGE, KOLLAM.

2. **RAJU, S/O.GOVINDAN,**
   AJITHA BHAVAN, MALAKAYAL COLONY,
   KURUMANDAL CHERRY, PARAVOOR VILLAGE,
   KOLLAM.

3. **SUBHASH @ ATHIL, S/O.GOVINDAN,**
   MALAKAYAL COLONY, KURUMANDAL CHERRY,
   PARAVOOR VILLAGE, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
THE CIRCLE INSPECTOR OF POLICE, PARAVOOR
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

V.K.MOHANAN, J.

Bail Application No. 7891 of 2007

Dated this the 24th day of December, 2007

O R D E R

The petitioners, who are accused Nos. 4 to 6 in Crime No.496 of 2007 of Paravoor Police Station for the offences punishable under Sections 143,147,148,324, 325,326,307 read with 149 I.P.C., seek anticipatory bail apprehending arrest in connection with the above crime.

2. The prosecution case is that in connection with an earlier incident with respect to the seizure of the motors used for excavation of sand from Malakayal by the Police, the accused on 17.11.2007 at about 3 p.m. assaulted the de facto complainant and inflicted injuries on him. The allegation is that according to the accused, the de facto complainant is the person who gave information about the said excavation of sand to the Police, which generated enmity towards the de facto complainant.

3. I have heard counsel for the petitioners and also the Public Prosecutor. It is submitted on behalf of the petitioners that they are innocent and they were

implicated in the crime only for the reason that they happened to be the residents near the locality where the alleged incident had taken place. It is also stated that the petitioners were arrayed as accused so as to facilitate the actual culprits to evade from the clutches of law. On the other hand, the learned Public Prosecutor submits that the de facto complainant had sustained injuries, only for the reason that he had furnished certain information about the incident implicating the accused/petitioners. It is also pointed out that for the effective functioning of the police so as to maintain law and order and also to find out the actual culprits, the assistance of citizens, who are having knowledge regarding the crime, is absolutely necessary. In the instant case, the informant/de facto complainant who gave information regarding the previous incident was attacked only for the reason that he had imparted information to the Police. So it is a serious offence affecting the very functioning of the police, especially pertaining to the law and order and therefore, the

learned Public Prosecutor opposed the petition for anticipatory bail. It is also pointed out that the investigation is only in its initial stage and the accused are to be arrested and the investigation has to be continued on the basis of such arrest. Therefore, if anticipatory bail is granted, it will adversely affect the investigation.

4. I find that the above submission of Prosecutor is not baseless or unfounded. The investigation is in progress. If the reliefs sought for by the petitioners are allowed, especially in the nature of the allegations contained, it is likely to adversely affect the investigation and the prosecution. Therefore, according to me, the petitioners are not entitled to get extraordinary reliefs under Section 438 of the Criminal Procedure Code.

Therefore, the petition for anticipatory bail is dismissed.

V.K.Mohanan,
Judge

Mbs/

V.K.MOHANAN, J.

Crl.M.C.NO. OF 200

J U D G M E N T

DATED: -0-2007